

3 FAH-1 H-3500 UNPAID LEAVE

3 FAH-1 H-3510 LEAVE WITHOUT PAY (LWOP)

*(CT:POH-118; 10-17-2005)
(Office of Origin:HR/ER/EP)*

3 FAH-1 H-3511 APPLICATION PROCEDURES

3 FAH-1 H-3511.1 Foreign Service Employees Serving Overseas

3 FAH-1 H-3511.1-1 80 Hours or Less

*(CT:POH-118; 10-17-2005)
(Uniform State/ BBG/Commerce)
(Applies to Foreign Service Employees)*

As provided in 3 FAM 3513.1-2, an approving officer at post may approve leave without pay of 80 hours or less; however, they must notify:

State	IO or the regional executive office
Commerce	<i>OFSHR</i>
<i>USDA</i>	<i>FSA/HRD</i>

3 FAH-1 H-3511.1-2 More Than 80 hours But Not to Exceed 90 Calendar Days

*(CT:POH-118; 10-17-2005)
(Uniform State/USAID/Commerce)
(Applies to Foreign Service Employees)*

In accordance with 3 FAM 3513, an approving officer at post may grant leave without pay of more than 80 hours but not to exceed 90 calendar days

using the following procedure:

State	Prepare a <i>Form SF-52, Request for Personnel Action</i> and submit it to headquarters. <i>Refer to 3 FAM 3513 for headquarters</i> for issuance of a <i>Form SF-50, Notification of Personnel Action</i> .
USAID	Prior to approval of LWOP more than 30 calendar days, must notify M/HR/POD or EM (<i>OIG/M/PS for BS-08 employees</i>).
Commerce	Prior to approval of LWOP for more than 30 calendar days, must notify <i>OFSHR/USFCS</i> . <i>OFSHR</i> will prepare <i>Form SF-52</i> and <i>Form SF-50</i> .
USDA	Handbook 17-PM, Exhibit 11.

3 FAH-1 H-3511.1-3 Headquarters Approval/Disapproval

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Employees)

- a. Where headquarters approval/disapproval is required in 3 FAM *3513* the post will forward:
 - (1) The employee's written request;
 - (2) *An approval/disapproval recommendation of LWOP*; and
 - (3) Any appropriate explanation or comment; to the appropriate headquarters office. *Refer to 3 FAM 3513.1*
- b. Headquarters will notify post of approval or disapproval of the request.
- c. When LWOP is approved for a State Department employee, HR/CDA will:
 - (1) Prepare *a Form SF-52, Request for Personnel Action*; and
 - (2) Forward the *Form SF-52* to *HR/EX/IM* for preparation and issuance of the *Form SF-50, Notification of Personnel Action*.

3 FAH-1 H-3511.2 Foreign Service Employees Serving in the United States

3 FAH-1 H-3511.2-1 LWOP of 80 Hours or Less

(CT:POH-118; 10-17-2005)
(State Only)
(Applies to Foreign Service Employees)

A written request must be submitted either to heads of offices, division chiefs and other comparable officials or supervisors designated by them.

3 FAH-1 H-3511.2-2 LWOP of More Than 80 Hours But Not to Exceed 90 Calendar Days

(CT:POH-118; 10-17-2005)
(State Only)
(Applies to Foreign Service Employees)

A written request and appropriate recommendation must be submitted through the supervisor to the executive director or *management officer of employing bureau.*

For Commerce:

OFSHR will approve LWOP requests for more than 80 hours but not to exceed 30 calendar days, written requests should be submitted to the appropriate Regional Director.

3 FAH-1 H-3511.2-3 LWOP of More Than 90 Calendar Days

(CT:POH-118; 10-17-2005)
(State Only)
(Applies to Foreign Service Employees)

For State:

- a. A request must be submitted by memorandum through the supervisor to the executive director or management officer of employing bureau.*
- b. That official will forward the request, together with a recommendation, and any appropriate explanation or comments, to HR/CDA.*
- c. The approving officer will forward any approved Form SF-52 to HR/EX/IM in Stat,) for issuance of the Form SF-50.*
- d. For Commerce: The Regional Director will approve LWOP requests that exceed more than 90 calendar days.*

3 FAH-1 H-3511.3 Civil Service Employees of State

3 FAH-1 H-3511.3-1 LWOP of 80 Hours or Less

(CT:POH-118; 10-17-2005)

(State Only)

(Applies to Civil Service Employees)

A request for 80 hours or less of LWOP is made in writing to the heads of offices and divisions and other comparable officials and supervisors designated by them.

3 FAH-1 H-3511.3-2 LWOP of More Than 80 Hours But Not to Exceed One Year

(CT:POH-118; 10-17-2005)

(State Only)

(Applies to Civil Service Employees)

A request for LWOP for more than 80 hours but not in excess of one year, or for an extension of LWOP that will result in a total period of LWOP for more than 80 hours, must be submitted on *Form* OPM-71, Request for Leave or Approved Absence, with written justification, through the supervisor to the executive director or management officer. That official, if the request is approved, submits an *Form* SF-52 to *HR/CSP* for final approval and *HR/CSP* forwards it to *HR/EX/IM* for issuance of a *Form* SF-50.

3 FAH-1 H-3511.3-3 LWOP of More Than One Year

(CT:POH-118; 10-17-2005)

(State Only)

(Applies to Civil Service Employees)

A request for LWOP in excess of 1 year must be submitted by memorandum through the supervisor to the executive director or *management officer*. That official forwards the request to *HR/CSP* for decision, together with a recommendation, any appropriate explanation or comment, and *Form* SF-52. *HR/CSP* notifies the executive director or *management officer* of the decision, and forwards any approved *Form SF-52* to *HR/EX/IM* for issuance of the *Form* SF-50.

3 FAH-1 H-3511.4 Senior Executive Service Employees of State

(CT:POH-118; 10-17-2005)

(State Only)

(Applies to Civil Service Employees)

- a. *A request for LWOP for 80 hours or less should be referred to officials who normally approve an executive's leave.*
- b. A request for LWOP for more than 80 hours or for an extension of LWOP that will result in a total period of LWOP of more than 80 hours must be submitted on *Form* OPM-71, with written justification through the supervisor to the executive director or *management officer*.
- c. That official will forward the request to the Executive Resources Board (ERB) with a recommendation, appropriate explanation, or comment, and a *Form* SF-52.
- d. The ERB Chair will act on requests for LWOP for periods of less than six months.
- e. The ERB will act on requests for LWOP of six or more months.
- f. The executive director or *management officer* will be notified of ERB decisions.
- g. Upon ERB approval *HR/CSP* will forward a Form SF-52 to *HR/EX/IM* for issuance of a Form SF-50.

3 FAH-1 H-3511.5 Foreign Service Corps - USDA

(CT:POH-118; 10-17-2005)
(USDA Only)
(Applies to Foreign Service Employees)

All requests for LWOP by USDA employees will be handled in accordance with agency directives. Refer to Handbook 17-PM, Exhibit II.

3 FAH-1 H-3511.6 USAID

(CT:POH-118; 10-17-2005)
(USAID Only)
(Applies to Foreign Service Employees)

When processing a request for LWOP by an employee of USAID, the post must:

- (1) Notify M/HR/POD, M/HR/EM or *OIG/M/PS* in advance;
- (2) Provide beginning and ending dates of LWOP; and
- (3) Provide the reason; in order for a *Form* SF-50 to be issued.

3 FAH-1 H-3512 CONSIDERATION OF REQUEST FOR LWOP

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Each request for LWOP should be examined to assure that the value to the Government or the needs of the employee are sufficient to offset the costs and administrative *inconveniences* that may result from the retention of an employee in a LWOP status.
- b. Among these costs and inconveniences *that* should be considered are:
 - (1) Encumbrance of a position;
 - (2) Loss of services;
 - (3) Compilation of retention preference registers in the event of reduction in force;
 - (4) Obligations to provide active employment at the end of the approved leave period;
 - (5) Creditable service for such benefits as retirement (e.g., six months per calendar year for LWOP), leave accrual, within-grade increases, and severance pay;
 - (6) Eligibility for continued coverage (without cost to the employee for up to one year of non-pay status) for life insurance and continued coverage (with payment of employee's portion of the premium by the employee for up to one year) for health insurance benefits.
- c. *For Foreign Service (FS) employees, refer to the Office of Career Development and Assignments (HR/CDA) Standard Operating Procedures (SOP) A-12 to obtain information regarding FS Leave Without Pay (LWOP) request procedures. Reservists returning to active duty should refer to SOP A-12a.*

3 FAH-1 H-3513 APPROVAL OF EXTENDED LWOP

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the LWOP. In addition, it should be apparent that at least one of the following benefits would result:

- (1) Increased job ability;
- (2) Protection or improvement of employee's health;
- (3) Retention of a desirable employee;
- (4) Fulfillment of parental or family responsibilities; or
- (5) Furtherance of a program of interest to the Government.

3 FAH-1 H-3514 PURPOSE FOR WHICH GRANTED

3 FAH-1 H-3514.1 Advanced Education

(CT:POH-118; 10-17-2005)
(Uniform State/USAID/BBG /Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)

- a. Management may grant LWOP for the purpose of full-time advanced education when:
 - (1) The course of study or research is in line with the type of work performed by the agency; and
 - (2) Its completion would contribute to the best interests of the agency.
- b. Requests for extended LWOP for advanced education must be submitted to the agency at least 90 days in advance.

3 FAH-1 H-3514.2 Service of a Temporary Character

(CT:POH-118; 10-17-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)

- a. Management may grant LWOP for service with non-Federal public or private enterprise when:

- (1) The job is of temporary character; and
 - (2) The job is consistent with U.S. Government Standards of Conduct (5 CFR Part 2635); and
 - (3) There is reasonable expectation that the employee will return; and
 - (4) The service to be performed will contribute to the public welfare; and/or
 - (5) The experience to be gained by the employee will serve the interests of the employing agency.
- b. In some cases, the acceptance of non-Federal public employment may require the separation of an employee because of certain provisions of law.

3 FAH-1 H-3514.3 To Recover from Illness or Disability

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Management may grant LWOP for the purpose of recovering from illness or disability not of a permanent or disqualifying nature when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees.
- b. LWOP for reasons of health must be supported by a medical certificate.

3 FAH-1 H-3514.4 LWOP for Other Purposes

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Management may grant LWOP for the purpose of protecting employee status during any period when final action is pending:
 - (1) On a claim for disability retirement, after all sick and annual leave has been exhausted; or
 - (2) By the Office of Workers' Compensation Programs (OWCP) of the Department of Labor resulting from employment-connected injury or disease.

- b. Approval of LWOP is mandatory for disabled veterans who require treatment under Executive Order 5396 because of service-connected disabilities.
- c. *Approval of LWOP is mandatory when requested by Reservists and National Guard members to perform military training.*
- d. An employee injured in the line of duty may be granted LWOP while receiving compensation from the Office of Workers' Compensation Programs.
- e. An employee may be granted LWOP to attend to parental or family responsibilities.
- f. LWOP may be granted for the purpose of accompanying a Foreign Service employee spouse to an overseas post where no suitable tandem assignment is available.
- g. LWOP may be granted for personal emergency when denial of leave without pay would result in severe hardship to the employee.

3 FAH-1 H-3515 RETURN TO DUTY

(CT:POH-118; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. The post shall submit promptly to headquarters a *Form* SF-52 covering each return to duty following a period of LWOP authorized under section 3 FAH-1 H-3511.1-2.
- b. For LWOP authorized under section 3 FAH-1 H-3511.1-3, the employee's return to duty will be reported to headquarters only if there has been a change in the previously reported return-to-duty date.
- c. For Commerce, post should notify OFSHR promptly of the employee's return to duty following a period of LWOP under section 3 FAH-1 H-3511.1-3. The *Form* SF-52 and *Form* SF-50 will be prepared in headquarters.
- d. USAID posts will request M/HR/POD or EM, IG/RM for BS-08, to issue a *Form* SF-50.
- e. For USDA, the Area Director's Office shall submit a *Form* SF-52.

3 FAH-1 H-3516 THROUGH H-3519 UNASSIGNED